

Legislative Bill Drafting Commission
13065-01-9

S. -----
 Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

PENALA
(Relates to the decriminalization of
sex work; repealer)

Pen L. prostitution; decriminaliz

AN ACT

to amend the penal law, in relation
to decriminalizing sex work; and to
repeal certain provisions of such
law relating to prostitution (Part
A); to amend the criminal procedure
law, the civil practice law and
rules, the social services law, and
the administrative code of the city
of New York, in relation to elimi-
nating prior criminal records and
making other related changes; and to
repeal certain provisions of the
criminal procedure law relating to
the prosecution of prostitution

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s02 Flanagan	s09 Kaminsky	s25 Montgomery	s23 Savino
s52 Akshar	s55 Funke	s07 Kaplan	s20 Myrie	s32 Sepulveda
s46 Amedore	s59 Gallivan	s26 Kavanagh	s58 O'Mara	s41 Serino
s50 Antonacci	s05 Gaughran	s63 Kennedy	s62 Ortt	s29 Serrano
s36 Bailey	s12 Gianaris	s28 Krueger	s21 Parker	s51 Seward
s30 Benjamin	s22 Gounardes	s24 Lanza	s19 Persaud	s39 Skoufis
s34 Biaggi	s47 Griffo	s01 LaValle	s13 Ramos	s16 Stavisky
s04 Boyle	s40 Harckham	s45 Little	s61 Ranzzenhofer	s35 Stewart-
s44 Breslin	s54 Helming	s11 Liu	s48 Ritchie	Cousins
s08 Brooks	s27 Hoylman	s03 Martinez	s33 Rivera	s49 Tedisco
s38 Carlucci	s31 Jackson	s53 May	s56 Robach	s06 Thomas
s14 Comrie	s60 Jacobs	s37 Mayer	s18 Salazar	s57
s17 Felder	s43 Jordan	s42 Metzger	s10 Sanders	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a072 De La Rosa	a029 Hyndman	a144 Norris	a090 Sayegh
a092 Abinanti	a034 DenDekker	a104 Jacobson	a069 O'Donnell	a140 Schimminger
a084 Arroyo	a003 DeStefano	a097 Jaffee	a051 Ortiz	a099 Schmitt
a107 Ashby	a070 Dickens	a011 Jean-Pierre	a091 Otis	a076 Seawright
a035 Aubry	a054 Dilan	a135 Johns	a132 Palmesano	a052 Simon
a120 Barclay	a081 Dinowitz	a115 Jones	a002 Palumbo	a036 Simotas
a030 Barnwell	a147 DiPietro	a077 Joyner	a088 Paulin	a005 Smith
a106 Barrett	a016 D'Urso	a040 Kim	a141 Peoples-	a118 Smullen
a060 Barron	a048 Eichenstein	a131 Kolb	Stokes	a022 Solages
a082 Benedetto	a004 Englebright	a105 Lalor	a058 Perry	a114 Stec
a042 Bichotte	a074 Epstein	a013 Lavine	a023 Pheffer	a110 Steck
a079 Blake	a109 Fahy	a134 Lawrence	Amato	a010 Stern
a117 Blankenbush	a061 Fall	a050 Lentol	a086 Pichardo	a127 Stirpe
a098 Brabenec	a080 Fernandez	a125 Lifton	a089 Pretlow	a102 Tague
a026 Braunstein	a126 Finch	a009 LiPetri	a073 Quart	a071 Taylor
a138 Bronson	a008 Fitzpatrick	a123 Lupardo	a019 Ra	a001 Thiele
a093 Buchwald	a124 Friend	a129 Magnarelli	a012 Raia	a031 Titus
a142 Burke	a046 Frontus	a064 Malliotakis	a006 Ramos	a033 Vanel
a119 Buttenschon	a095 Galef	a130 Manktelow	a018 Raynor	a116 Walczyk
a094 Byrne	a137 Gantt	a108 McDonald	a062 Reilly	a055 Walker
a133 Byrnes	a007 Garbarino	a014 McDonough	a087 Reyes	a143 Wallace
a103 Cahill	a148 Giglio	a146 McMahon	a043 Richardson	a112 Walsh
a044 Carroll	a066 Glick	a017 Mikulin	a078 Rivera	a041 Weinstein
a047 Colton	a150 Goodell	a101 Miller, B.	a068 Rodriguez	a024 Weprin
a032 Cook	a075 Gottfried	a038 Miller, M. G.	a136 Romeo	a059 Williams
a085 Crespo	a021 Griffin	a020 Miller, M. L.	a027 Rosenthal, D.	a113 Woerner
a122 Crouch	a100 Gunther	a015 Montesano	a067 Rosenthal, L.	a056 Wright
a039 Cruz	a139 Hawley	a145 Morinello	a025 Rozic	a096 Zebrowski
a063 Cusick	a083 Heastie	a057 Mosley	a149 Ryan	
a045 Cymbrowitz	a028 Hevesi	a065 Niou	a121 Salka	
a053 Davila	a128 Hunter	a037 Nolan	a111 Santabarbara	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

offenses (Part B); and to amend the multiple dwelling law, the public health law, the real property actions and proceedings law, the real property law, the vehicle and traffic law, and the administrative code of the city of New York, in relation to making conforming changes (Part C)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act enacts into law major components of legislation
2 relating to the decriminalization of certain prostitution offenses. Each
3 component of this act is wholly contained within a Part identified as
4 Parts A through C. The effective date for each particular provision
5 contained within such Part is set forth in the last section of such
6 Part. Any provision in any section contained within a Part, including
7 the effective date of the Part, which makes reference to a section "of
8 this act", when used in connection with that particular component, shall
9 be deemed to mean and refer to the corresponding section of the Part in
10 which it is found. Section three of this act sets forth the general
11 effective date of this act.

12 PART A

13 DECRIMINALIZATION

14 Section 1. Section 230.00 of the penal law, as amended by chapter 169
15 of the laws of 1969, is amended to read as follows:

16 § 230.00 Prostitution; definitions.

17 [A person is guilty of prostitution when such person engages or agrees
18 or offers to engage in sexual conduct with another person in return for
19 a fee.

20 Prostitution is a class B Misdemeanor]

21 As used in this chapter, the following terms have the following mean-
22 ings:

23 1. "Prostitution" means engaging or agreeing to engage in sexual
24 conduct with another person in return for a fee.

25 2. A person "patronizes a person for prostitution" when: (a) pursuant
26 to a prior understanding, the actor pays a fee to another person as

1 compensation for such other person or a third person having engaged in
2 sexual conduct with the actor; or

3 (b) the person pays or agrees to pay a fee to another person pursuant
4 to an understanding that in return therefor such other person or a third
5 person will engage in sexual conduct with the actor; or

6 (c) the person solicits or requests another person to engage in sexual
7 conduct with the actor in return for a fee.

8 3. "Person who is patronized" means the person with whom the actor
9 engaged in sexual conduct or was to have engaged in sexual conduct
10 pursuant to the understanding, or the person who was solicited or
11 requested by the actor to engage in sexual conduct.

12 4. "School zone" means (a) in or on or within any building, structure,
13 athletic playing field, playground or land contained within the real
14 property boundary line of a public or private elementary, parochial,
15 intermediate, junior high, vocational, or high school, or (b) any public
16 sidewalk, street, parking lot, park, playground or private land, located
17 immediately adjacent to the boundary line of such school.

18 5. (a) "Advance prostitution." A person "advances prostitution" when,
19 acting other than as a person in prostitution or as a patron thereof,
20 and with intent to cause prostitution, the actor directly engages in
21 conduct that facilitates an act or enterprise of prostitution.

22 (b) Conduct by a person under twenty-one years of age shall not
23 constitute advancing prostitution unless the person participated in
24 compulsion by force or intimidation or in sex trafficking, or the person
25 whose prostitution was advanced is under seventeen years of age.

26 6. "Profit from prostitution." A person profits from prostitution
27 when, acting other than as a person in prostitution receiving compen-
28 sation for personally rendered prostitution services, the actor accepts

1 or receives money or other property pursuant to an agreement or under-
2 standing with any person whereby the actor participates or is to partic-
3 ipate in the proceeds of prostitution activity.

4 § 2. Section 230.01 of the penal law, as amended by chapter 189 of the
5 laws of 2018, is amended to read as follows:

6 § 230.01 Prostitution; affirmative defense.

7 In any prosecution under [section 230.00,] section 230.03, section
8 230.19, [230.20, subdivision 2 of section 230.25,] subdivision 2 of
9 section 230.30, or section 230.34-a [or subdivision two of section
10 240.37] of this [part] article, it is an affirmative defense that the
11 defendant's participation in the offense was a result of having been a
12 victim of compelling prostitution under section 230.33, a victim of sex
13 trafficking under section 230.34 of this article, a victim of sex traf-
14 ficking of a child under section 230.34-a of this article or a victim of
15 trafficking in persons under the trafficking victims protection act
16 (United States Code, Title 22, Chapter 78).

17 § 3. Section 230.02 of the penal law is REPEALED.

18 § 4. Section 230.03 of the penal law, as added by chapter 191 of the
19 laws of 2011, subdivision 2 as amended by chapter 368 of the laws of
20 2015, is amended to read as follows:

21 § 230.03 Prostitution in a school zone.

22 [1.] A person is guilty of prostitution in a school zone when, being
23 nineteen years of age or older, and acting during the hours that school
24 is in session, [he or she] the actor commits [the crime] an act of pros-
25 titution [in violation of section 230.00 of this article] at a place
26 that [he or she] the actor knows, or reasonably should know, is in a
27 school zone, and [he or she] the actor knows, or reasonably should know,

1 that such act of prostitution is within the direct view of children
2 attending such school.

3 [2. For the purposes of this section, section 230.08 and section
4 230.19 of this article, "school zone" means (a) in or on or within any
5 building, structure, athletic playing field, playground or land
6 contained within the real property boundary line of a public or private
7 elementary, parochial, intermediate, junior high, vocational, or high
8 school, or (b) any public sidewalk, street, parking lot, park, play-
9 ground or private land, located immediately adjacent to the boundary
10 line of such school.]

11 Prostitution in a school zone is a class A misdemeanor.

12 § 5. Sections 230.04, 230.05, 230.06, 230.07 and 230.08 of the penal
13 law, as amended by chapter 368 of the laws of 2015, are amended to read
14 as follows:

15 § 230.04 Patronizing a person for prostitution in the third degree.

16 A person is guilty of patronizing a person for prostitution in the
17 third degree when [he or she] the actor patronizes a person for prosti-
18 tution and the person patronized is less than eighteen years old.

19 Patronizing a person for prostitution in the third degree is a class A
20 misdemeanor.

21 § 230.05 Patronizing a person for prostitution in the second degree.

22 A person is guilty of patronizing a person for prostitution in the
23 second degree when, being eighteen years old or more, [he or she] the
24 actor patronizes a person for prostitution and the person patronized is
25 less than fifteen years old.

26 Patronizing a person for prostitution in the second degree is a class
27 E felony.

28 § 230.06 Patronizing a person for prostitution in the first degree.

1 A person is guilty of patronizing a person for prostitution in the
2 first degree when:

3 1. [He or she] The actor patronizes a person for prostitution and the
4 person patronized is less than eleven years old; or

5 2. Being eighteen years old or more, [he or she] the actor patronizes
6 a person for prostitution and the person patronized is less than thir-
7 teen years old.

8 Patronizing a person for prostitution in the first degree is a class D
9 felony.

10 § 230.07 Patronizing a person for prostitution; defense.

11 In any prosecution for patronizing a person for prostitution in the
12 first [or], second or third degrees or patronizing a person for prosti-
13 tution in a school zone, it is a defense that the defendant did not have
14 reasonable grounds to believe that the person was less than the age
15 specified.

16 § 230.08 Patronizing a person for prostitution in a school zone.

17 [1.] A person is guilty of patronizing a person for prostitution in a
18 school zone when, being twenty-one years old or more, [he or she] the
19 actor patronizes a person for prostitution and the person patronized is
20 less than eighteen years old at a place that [he or she] the actor
21 knows, or reasonably should know, is in a school zone.

22 [2. For purposes of this section, "school zone" shall mean "school
23 zone" as defined in subdivision two of section 230.03 of this article.]

24 Patronizing a person for prostitution in a school zone is a class E
25 felony.

26 § 6. Section 230.10 of the penal law, the section heading and the
27 opening paragraph as amended by chapter 368 of the laws of 2015, is
28 amended to read as follows:

1 § 230.10 Prostitution and patronizing a person for prostitution; no
2 defense.

3 In any prosecution for prostitution or patronizing a person for pros-
4 titution, the sex of [the two] any of the parties or prospective parties
5 to the sexual conduct engaged in, contemplated or solicited is immateri-
6 al[, and it is no defense that:

7 1. Such persons were of the same sex; or

8 2. The person who received, agreed to receive or solicited a fee was a
9 male and the person who paid or agreed or offered to pay such fee was a
10 female].

11 § 7. Sections 230.11, 230.12 and 230.13 of the penal law, as added by
12 chapter 368 of the laws of 2015, are amended to read as follows:

13 § 230.11 Aggravated patronizing a minor for prostitution in the third
14 degree.

15 A person is guilty of aggravated patronizing a minor for prostitution
16 in the third degree when, being twenty-one years old or more, [he or
17 she] the actor patronizes a person for prostitution and the person
18 patronized is less than seventeen years old and the person guilty of
19 patronizing engages in sexual intercourse, oral sexual conduct, anal
20 sexual conduct, or aggravated sexual conduct as those terms are defined
21 in section 130.00 of this part, with the person patronized.

22 Aggravated patronizing a minor for prostitution in the third degree is
23 a class E felony.

24 § 230.12 Aggravated patronizing a minor for prostitution in the second
25 degree.

26 A person is guilty of aggravated patronizing a minor for prostitution
27 in the second degree when, being eighteen years old or more, [he or she]
28 the actor patronizes a person for prostitution and the person patronized

1 is less than fifteen years old and the person guilty of patronizing
2 engages in sexual intercourse, oral sexual conduct, anal sexual conduct,
3 or aggravated sexual conduct as those terms are defined in section
4 130.00 of this part, with the person patronized.

5 Aggravated patronizing a minor for prostitution in the second degree
6 is a class D felony.

7 § 230.13 Aggravated patronizing a minor for prostitution in the first
8 degree.

9 A person is guilty of aggravated patronizing a minor for prostitution
10 in the first degree when [he or she] the actor patronizes a person for
11 prostitution and the person patronized is less than eleven years old, or
12 being eighteen years old or more, [he or she] the actor patronizes a
13 person for prostitution and the person patronized is less than thirteen
14 years old, and the person guilty of patronizing engages in sexual inter-
15 course, oral sexual conduct, anal sexual conduct, or aggravated sexual
16 conduct as those terms are defined in section 130.00 of this part, with
17 the person patronized.

18 Aggravated patronizing a minor for prostitution in the first degree is
19 a class B felony.

20 § 8. Section 230.15 of the penal law is REPEALED.

21 § 9. Section 230.19 of the penal law, as added by chapter 191 of the
22 laws of 2011, subdivision 1 as amended by chapter 368 of the laws of
23 2015, is amended to read as follows:

24 § 230.19 Promoting prostitution in a school zone.

25 [1.] A person is guilty of promoting prostitution in a school zone
26 when, being nineteen years old or more, [he or she] the actor knowingly
27 advances or profits from prostitution that [he or she] the actor knows
28 or reasonably should know is or will be committed in violation of

1 section 230.03 of this article in a school zone during the hours that
2 school is in session.

3 [2. For purposes of this section, "school zone" shall mean "school
4 zone" as defined in subdivision two of section 230.03 of this article.]

5 Promoting prostitution in a school zone is a class E felony.

6 § 10. Sections 230.20 and 230.25 of the penal law are REPEALED.

7 § 11. Section 230.30 of the penal law, as amended by chapter 368 of
8 the laws of 2015, is amended to read as follows:

9 § 230.30 Promoting prostitution in the second degree.

10 A person is guilty of promoting prostitution in the second degree when
11 [he or she] the actor knowingly:

12 1. Advances prostitution by compelling a person by force or intim-
13 idation to engage in prostitution, or profits from such coercive conduct
14 by another; or

15 2. Advances or profits from prostitution of a person less than eigh-
16 teen years old.

17 Promoting prostitution in the second degree is a class C felony.

18 § 12. Section 230.32 of the penal law, as added by chapter 627 of the
19 laws of 1978, the opening paragraph and subdivisions 1 and 2 as amended
20 by chapter 368 of the laws of 2015, is amended to read as follows:

21 § 230.32 Promoting prostitution in the first degree.

22 A person is guilty of promoting prostitution in the first degree when
23 [he or she] the actor:

24 1. knowingly advances or profits from prostitution of a person less
25 than thirteen years old; or

26 2. being twenty-one years old or more, [he or she] the actor knowingly
27 advances or profits from prostitution of a person less than fifteen
28 years old.

1 Promoting prostitution in the first degree is a class B felony.

2 § 13. Section 230.33 of the penal law, as amended by chapter 368 of
3 the laws of 2015, is amended to read as follows:

4 § 230.33 Compelling prostitution.

5 A person is guilty of compelling prostitution when, being eighteen
6 years old or more, [he or she] the actor knowingly advances prostitution
7 by compelling a person less than eighteen years old, by force or intim-
8 idation, to engage in prostitution.

9 Compelling prostitution is a class B felony.

10 § 14. The opening paragraph of section 230.34 of the penal law, as
11 added by chapter 74 of the laws of 2007, is amended to read as follows:

12 A person is guilty of sex trafficking if [he or she] the actor inten-
13 tionally advances or profits from prostitution by:

14 § 15. Section 230.34-a of the penal law, as added by chapter 189 of
15 the laws of 2018, is amended to read as follows:

16 § 230.34-a Sex trafficking of a child.

17 [1.] A person is guilty of sex trafficking of a child when [he or she]
18 the actor, being twenty-one years old or more, intentionally advances or
19 profits from prostitution of another person and such person is a child
20 less than eighteen years old. Knowledge by the defendant of the age of
21 such child is not an element of this offense and it is not a defense to
22 a prosecution therefor that the defendant did not know the age of the
23 child or believed such age to be eighteen or over.

24 [2. For purposes of this section:

25 (a) A person "advances prostitution" when, acting other than as a
26 person in prostitution or as a patron thereof, and with intent to cause
27 prostitution, he or she directly engages in conduct that facilitates an
28 act or enterprise of prostitution.

1 (b) A person "profits from prostitution" when, acting other than as a
2 person in prostitution receiving compensation for personally rendered
3 prostitution services, and with intent to facilitate prostitution, he or
4 she accepts or receives money or other property pursuant to an agreement
5 or understanding with any person whereby he or she participates in the
6 proceeds of prostitution activity.]

7 Sex trafficking of a child is a class B felony.

8 § 16. Section 230.35 of the penal law, as amended by chapter 368 of
9 the laws of 2015, is amended to read as follows:

10 § 230.35 Promoting or compelling prostitution; accomplice.

11 In a prosecution for promoting prostitution or compelling prostitu-
12 tion, a person [less than eighteen years old] from whose prostitution
13 activity another person is alleged to have advanced or attempted to
14 advance or profited or attempted to profit shall not be deemed to be an
15 accomplice.

16 § 17. Section 230.40 of the penal law, the opening paragraph as
17 amended by chapter 368 of the laws of 2015, is amended to read as
18 follows:

19 § 230.40 Permitting prostitution.

20 A person is guilty of permitting prostitution when, having possession
21 or control of premises or vehicle which [he or she] the actor knows are
22 being used for prostitution purposes or for the purpose of advancing
23 prostitution, [he or she] in violation of this article, the actor fails
24 to make reasonable effort to halt or abate such use.

25 Permitting prostitution is a class B misdemeanor.

26 § 18. Section 240.37 of the penal law is REPEALED.

27 § 19. This act shall take effect on the thirtieth day after it shall
28 have become a law.

PART B

ELIMINATING PRIOR CRIMINAL RECORDS AND OTHER RELATED PROVISIONS

Section 1. Subdivision 3 of section 160.50 of the criminal procedure law is amended by adding a new paragraph (m) to read as follows:

(m) The accusatory instrument alleged a violation of article two hundred thirty or section 240.37 of the penal law, as in effect prior to the effective date of this paragraph, and the accusatory instrument, initially or as amended, does not allege conduct that is an offense under law in effect on and after the effective date of this paragraph. No defendant shall be required or permitted to waive eligibility for sealing pursuant to this paragraph as part of a plea of guilty, a sentence or any agreement related to a conviction or other disposition. Any such waiver shall be deemed void and wholly unenforceable.

§ 2. Section 160.50 of the criminal procedure law is amended by adding a new subdivision 5 to read as follows:

5. A person in whose favor a criminal action or proceeding was terminated, as defined in paragraph (m) of subdivision three of this section, may upon motion apply to the court in which such termination occurred, upon not less than twenty days notice to the district attorney, for an order granting to such person the relief set forth in subdivision one of this section, and such order shall be granted unless the district attorney demonstrates to the satisfaction of the court that the interests of justice require otherwise.

§ 3. Paragraph (j) of subdivision 1 of section 440.10 of the criminal procedure law, as amended by section 2 of part MMM of chapter 59 of the laws of 2019, is amended and a new subdivision (k) is added to read as follows:

1 (j) The judgment is a conviction for a class A or unclassified misde-
2 meanor entered prior to the effective date of this paragraph and satis-
3 fies the ground prescribed in paragraph (h) of this subdivision. There
4 shall be a rebuttable presumption that a conviction by plea to such an
5 offense was not knowing, voluntary and intelligent, based on ongoing
6 collateral consequences, including potential or actual immigration
7 consequences, and there shall be a rebuttable presumption that a
8 conviction by verdict constitutes cruel and unusual punishment under
9 section five of article one of the state constitution based on such
10 consequences[.]; or

11 (k) The judgment is a conviction for a violation of article two
12 hundred thirty or section 240.37 of the penal law, as in effect prior to
13 the effective date of this paragraph, provided that the court shall
14 decline to vacate any portion of the judgment of conviction that is for
15 conduct that is an offense under law in effect at the time of the
16 conduct and on and after the effective date of this paragraph.

17 § 4. Section 440.10 of the criminal procedure law is amended by adding
18 a new subdivision 6-a to read as follows:

19 6-a. If the court grants a motion under paragraph (k) of subdivision
20 one of this section, it must vacate the judgment and dismiss the accusa-
21 tory instrument, to the extent it has vacated the judgment, and may take
22 such additional action as is appropriate in the circumstances.

23 § 5. Subdivision 5 of section 1310 of the civil practice law and
24 rules, as added by chapter 669 of the laws of 1984, is amended to read
25 as follows:

26 5. "Post-conviction forfeiture crime" means any felony defined in the
27 penal law or any other chapter of the consolidated laws of the state.
28 However, this shall not include any felony under article two hundred

1 thirty of the penal law in effect prior to the effective date of a chap-
2 ter of the laws of two thousand nineteen which amended this subdivision,
3 unless it was also a felony under that article on or after that date.

4 § 6. Section 60.47 of the criminal procedure law is REPEALED.

5 § 7. Paragraphs (c) and (d) of subdivision 1 of section 160.10 of the
6 criminal procedure law, paragraph (c) as amended by chapter 762 of the
7 laws of 1971 and paragraph (d) as amended by chapter 232 of the laws of
8 2010, are amended to read as follows:

9 (c) A misdemeanor defined outside the penal law which would constitute
10 a felony if such person had a previous judgment of conviction for a
11 crime[; or

12 (d) Loitering for the purpose of engaging in a prostitution offense as
13 defined in subdivision two of section 240.37 of the penal law].

14 § 8. Subdivision 4 of section 170.30 of the criminal procedure law is
15 REPEALED.

16 § 9. Section 170.80 of the criminal procedure law is REPEALED.

17 § 10. Subdivision 2 of section 420.35 of the criminal procedure law,
18 as amended by chapter 189 of the laws of 2018, is amended to read as
19 follows:

20 2. Under no circumstances shall the mandatory surcharge, sex offender
21 registration fee, DNA databank fee or the crime victim assistance fee be
22 waived provided, however, that a court may waive the crime victim
23 assistance fee if such defendant is an eligible youth as defined in
24 subdivision two of section 720.10 of this chapter, and the imposition of
25 such fee would work an unreasonable hardship on the defendant, his or
26 her immediate family, or any other person who is dependent on such
27 defendant for financial support. A court shall waive any mandatory
28 surcharge, DNA databank fee and crime victim assistance fee when: (i)

1 the defendant is convicted of [loitering for the purpose of engaging in
2 prostitution under section 240.37 of the penal law (provided that the
3 defendant was not convicted of loitering for the purpose of patronizing
4 a person for prostitution); (ii) the defendant is convicted of prostitu-
5 tion under section 230.00 of the penal law; (iii) the defendant is
6 convicted of a violation in the event such conviction is in lieu of a
7 plea to or conviction for loitering for the purpose of engaging in pros-
8 titution under section 240.37 of the penal law (provided that the
9 defendant was not alleged to be loitering for the purpose of patronizing
10 a person for prostitution) or prostitution under section 230.00 of the
11 penal law;] a violation of article two hundred thirty or section 240.37
12 of the penal law, as in effect prior to the effective date of a chapter
13 of the laws of two thousand nineteen which amended this subdivision,
14 unless the violation is an offense under law in effect on and after that
15 effective date or [(iv)] (ii) the court finds that a defendant is a
16 victim of sex trafficking under section 230.34 of the penal law, sex
17 trafficking of a child under section 230.34-a of the penal law, or [a
18 victim of] trafficking in persons under the trafficking victims
19 protection act (United States Code, Title 22, Chapter 78) [; or (v) the
20 court finds that the defendant is a victim of sex trafficking of a child
21 under section 230.34-a of the penal law].

22 § 11. Subdivision 4 of section 720.15 of the criminal procedure law is
23 REPEALED.

24 § 12. Subdivision 1 of section 720.35 of the criminal procedure law,
25 as amended by chapter 402 of the laws of 2014, is amended to read as
26 follows:

27 1. A youthful offender adjudication is not a judgment of conviction
28 for a crime or any other offense, and does not operate as a disquali-

1 fication of any person so adjudged to hold public office or public
2 employment or to receive any license granted by public authority but
3 shall be deemed a conviction only for the purposes of transfer of super-
4 vision and custody pursuant to section two hundred fifty-nine-m of the
5 executive law. [A defendant for whom a youthful offender adjudication
6 was substituted, who was originally charged with prostitution as defined
7 in section 230.00 of the penal law or loitering for the purposes of
8 prostitution as defined in subdivision two of section 240.37 of the
9 penal law provided that the person does not stand charged with loitering
10 for the purpose of patronizing a prostitute, for an offense allegedly
11 committed when he or she was sixteen or seventeen years of age, shall be
12 deemed a "sexually exploited child" as defined in subdivision one of
13 section four hundred forty-seven-a of the social services law and there-
14 fore shall not be considered an adult for purposes related to the charg-
15 es in the youthful offender proceeding or a proceeding under section
16 170.80 of this chapter.]

17 § 13. Paragraphs (c) and (d) of subdivision 1 of section 447-a of the
18 social services law, as amended by chapter 189 of the laws of 2018, are
19 amended to read as follows:

20 (c) is a victim of the crime of compelling prostitution as defined in
21 section 230.33 of the penal law; or

22 (d) engages in acts or conduct described in article two hundred
23 sixty-three [or section 240.37] of the penal law.

24 § 14. The third undesignated paragraph of subdivision a of section
25 3-118 of the administrative code of the city of New York, as amended by
26 chapter 189 of the laws of 2018, is amended to read as follows:

27 Sexually exploited youth. The term "sexually exploited youth" means
28 persons under the age of 18 who have been subject to sexual exploitation

1 because they (a) are the victim of the crime of sex trafficking as
2 defined in section 230.34 of the penal law; (b) engage in any act as
3 defined in section 230.00 of the penal law; (c) are a victim of the
4 crime of compelling prostitution as defined in section 230.33 of the
5 penal law; (d) are a victim of the crime of sex trafficking of a child
6 as defined in section 230.34-a of the penal law; or (e) engage in acts
7 or conduct described in article 263 [or section 240.37] of the penal
8 law. The term shall also mean persons under the age of 18 who have been
9 subject to incest in the third degree, second degree or first degree, as
10 defined in sections 255.25, 255.26, and 255.27 of the penal law, respec-
11 tively, or any of the sex offenses enumerated in article 130 of the
12 penal law.

13 § 15. The office of court administration shall establish and make
14 available all necessary forms for proceedings under this act no later
15 than sixty days following the effective date of this section.

16 § 16. This act shall take effect on the thirtieth day after it shall
17 have become a law.

18 PART C

19 OTHER CONFORMING CHANGES

20 Section 1. Subdivision 1 of section 12 of the multiple dwelling law is
21 amended to read as follows:

22 1. It shall be unlawful to use any multiple dwelling or any part of
23 the lot or premises thereof for the purpose of criminal conduct related
24 to prostitution [or assignation of any description] under article two
25 hundred thirty of the penal law. This subdivision shall only apply to
26 conduct involving prostitution activity in violation of article two

1 hundred thirty of the penal law on or after the effective date of a
2 chapter of the laws of two thousand nineteen that amended this subdivi-
3 sion.

4 § 2. Sections 351 and 352 of the multiple dwelling law, section 352 as
5 amended by chapter 310 of the laws of 1962, are amended to read as
6 follows:

7 § 351. Lien. A multiple dwelling shall be subject to a penalty of one
8 thousand dollars if it or any part of it shall be used as a house of
9 prostitution [or assignation] in violation of article two hundred thirty
10 of the penal law with the permission of the owner, and such penalty
11 shall be a lien upon the dwelling and lot upon which it is situated.
12 This section shall only apply to conduct involving prostitution activity
13 in violation of article two hundred thirty of the penal law on or after
14 the effective date of a chapter of the laws of two thousand nineteen
15 that amended this section.

16 § 352. Recovery of premises. If a multiple dwelling, or any part
17 thereof, shall be used as a house of prostitution [or assignation] in
18 violation of article two hundred thirty of the penal law with the
19 permission of the lessee or [his] the lessee's agent, the lease shall be
20 terminable at the election of the lessor, and the owner shall be enti-
21 tled to recover possession of said premises by summary proceedings.
22 This section shall only apply to conduct involving prostitution activity
23 in violation of article two hundred thirty of the penal law on or after
24 the effective date of a chapter of the laws of two thousand nineteen
25 that amended this section.

26 § 3. Section 2320 of the public health law is amended to read as
27 follows:

1 § 2320. Houses of prostitution; equipment; nuisance. 1. Whoever shall
2 erect, establish, continue, maintain, use, own, or lease any building,
3 erection, or place used for the purpose of [lewdness, assignation, or]
4 prostitution activity in violation of article two hundred thirty of the
5 penal law is guilty of maintaining a nuisance.

6 2. The building, erection, or place, or the ground itself, in or upon
7 which any [lewdness, assignation, or] prostitution activity in violation
8 of article two hundred thirty of the penal law is conducted, permitted,
9 or carried on, continued, or exists, and the furniture, fixtures,
10 musical instruments, and movable property used in conducting or main-
11 taining such nuisance, are hereby declared to be a nuisance and shall be
12 enjoined and abated as hereafter provided.

13 3. This article shall only apply to conduct involving prostitution
14 activity in violation of article two hundred thirty of the penal law on
15 or after the effective date of this subdivision.

16 § 4. Subdivision 5 of section 711 of the real property actions and
17 proceedings law, as added by section 312 of the laws of 1962, is amended
18 to read as follows:

19 5. The premises, or any part thereof, are used or occupied [as a
20 bawdy-house, or house or place of assignation for lewd persons, or] for
21 purposes of prostitution activity in violation of article two hundred
22 thirty of the penal law, or for any illegal trade or manufacture, or
23 other illegal business. As used in this subdivision, "prostitution
24 activity" shall only mean conduct in violation of article two hundred
25 thirty of the penal law on or after the effective date of a chapter of
26 the laws of two thousand nineteen that amended this subdivision.

27 § 5. Subdivisions 1 and 2 of section 715 of the real property actions
28 and proceedings law, subdivision 1 as amended by chapter 555 of the laws

1 of 1978, subdivision 2 as amended by chapter 368 of the laws of 2015,
2 are amended to read as follows:

3 1. An owner or tenant, including a tenant of one or more rooms of an
4 apartment house, tenement house or multiple dwelling, of any premises
5 within two hundred feet from other demised real property [used or occu-
6 pied in whole or in part as a bawdy-house, or house or place of assigna-
7 tion for lewd persons, or] for purposes of prostitution activity in
8 violation of article two hundred thirty of the penal law, or for any
9 illegal trade, business or manufacture, or any domestic corporation
10 organized for the suppression of vice, subject to or which submits to
11 visitation by the state department of social services and possesses a
12 certificate from such department of such fact and of conformity with
13 regulations of the department, or any duly authorized enforcement agency
14 of the state or of a subdivision thereof, under a duty to enforce the
15 provisions of the penal law or of any state or local law, ordinance,
16 code, rule or regulation relating to buildings, may serve personally
17 upon the owner or landlord of the premises so used or occupied, or upon
18 [his] the lessee's agent, a written notice requiring the owner or land-
19 lord to make an application for the removal of the person so using or
20 occupying the same. If the owner or landlord or [his] the lessee's agent
21 does not make such application within five days thereafter; or, having
22 made it, does not in good faith diligently prosecute it, the person,
23 corporation or enforcement agency giving the notice may bring a proceed-
24 ing under this article for such removal as though the petitioner were
25 the owner or landlord of the premises, and shall have precedence over
26 any similar proceeding thereafter brought by such owner or landlord or
27 to one theretofore brought by [him] such owner or landlord and not pros-
28 ecuted diligently and in good faith. [Proof of the ill repute of the

1 demised premises or of the inmates thereof or of those resorting thereto
2 shall constitute presumptive evidence of the unlawful use of the demised
3 premises required to be stated in the petition for removal.] Both the
4 person in possession of the property and the owner or landlord shall be
5 made respondents in the proceeding. As used in this subdivision, "prosti-
6 tution activity" shall only mean conduct in violation of article two
7 hundred thirty of the penal law on or after the effective date of a
8 chapter of the laws of two thousand nineteen that amended this subdivi-
9 sion.

10 2. For purposes of this section, two or more convictions of any person
11 or persons had, within a period of one year, for any of the offenses
12 described in section [230.00,] 230.05, 230.06, 230.11, 230.12, 230.13,
13 [230.20, 230.25,] 230.30, 230.32 or 230.40 of the penal law arising out
14 of conduct engaged in at the same real property consisting of a dwelling
15 as that term is defined in subdivision four of section four of the
16 multiple dwelling law shall be presumptive evidence of conduct consti-
17 tuting use of the premises for purposes of prostitution. However, this
18 subdivision shall only apply to an offense under article two hundred
19 thirty of the penal law in effect on or after the effective date of a
20 chapter of laws of two thousand nineteen that amended this subdivision.

21 § 6. Subdivision 3 of section 231 of the real property law, as amended
22 by chapter 368 of the laws of 2015, is amended to read as follows:

23 3. For the purposes of this section, two or more convictions of any
24 person or persons had, within a period of one year, for any of the
25 offenses described in section [230.00,] 230.05, 230.06, 230.11, 230.12,
26 230.13, [230.20, 230.25,] 230.30, 230.32 or 230.40 of the penal law
27 arising out of conduct engaged in at the same premises consisting of a
28 dwelling as that term is defined in subdivision four of section four of

1 the multiple dwelling law shall be presumptive evidence of unlawful use
2 of such premises and of the owners knowledge of the same. However, this
3 subdivision shall only apply to an offense under article two hundred
4 thirty of the penal law in effect on or after the effective date of a
5 chapter of the laws of two thousand nineteen that amended this subdivi-
6 sion.

7 § 7. Paragraph 3 of subdivision b of section 233 of the real property
8 law, as added by chapter 566 of the laws of 1996, is amended to read as
9 follows:

10 3. The premises, or any part thereof, are used or occupied [as a
11 bawdy-house, or house or place of assignation for lewd purposes or] for
12 purposes of prostitution activity in violation of article two hundred
13 thirty of the penal law, or for any illegal trade or business. As used
14 in this paragraph, "prostitution activity" shall only mean conduct in
15 violation of article two hundred thirty of the penal law on or after the
16 effective date of a chapter of the laws of two thousand nineteen that
17 amended this paragraph.

18 § 8. Paragraphs (b) and (c) of subdivision 4 of section 509-cc of the
19 vehicle and traffic law, paragraph (b) as amended by chapter 400 of the
20 laws of 2011, paragraph (c) as amended by chapter 368 of the laws of
21 2015, are amended to read as follows:

22 (b) The offenses referred to in subparagraph (ii) of paragraph (a) of
23 subdivision one and paragraph (b) of subdivision two of this section
24 that result in permanent disqualification shall include a conviction
25 under sections 100.13, 105.15, 105.17, 115.08, 120.12, 120.70, 125.10,
26 125.11, 130.40, 130.53, 130.60, 130.65-a, 135.20, 160.15, 220.18,
27 220.21, 220.39, 220.41, 220.43, 220.44, [230.25,] 260.00, 265.04 of the
28 penal law or an attempt to commit any of the aforesaid offenses under

1 section 110.00 of the penal law, or any offenses committed under a
2 former section of the penal law which would constitute violations of the
3 aforesaid sections of the penal law, or any offenses committed outside
4 this state which would constitute violations of the aforesaid sections
5 of the penal law.

6 (c) The offenses referred to in subparagraph (i) of paragraph (b) of
7 subdivision one and subparagraph (i) of paragraph (c) of subdivision two
8 of this section that result in disqualification for a period of five
9 years shall include a conviction under sections 100.10, 105.13, 115.05,
10 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.25, 121.12, 121.13,
11 [125.40, 125.45,] 130.20, 130.25, 130.52, 130.55, 135.10, 135.55,
12 140.17, 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.06,
13 220.09, 220.16, 220.31, 220.34, 220.60, 220.65, 221.30, 221.50, 221.55,
14 [230.00,] 230.05, 230.06, 230.11, 230.12, 230.13, 230.19, [230.20,]
15 235.05, 235.06, 235.07, 235.21, 240.06, 245.00, 260.10, subdivision two
16 of section 260.20 and sections 260.25, 265.02, 265.03, 265.08, 265.09,
17 265.10, 265.12, 265.35 of the penal law or an attempt to commit any of
18 the aforesaid offenses under section 110.00 of the penal law, or any
19 similar offenses committed under a former section of the penal law, or
20 any offenses committed under a former section of the penal law which
21 would constitute violations of the aforesaid sections of the penal law,
22 or any offenses committed outside this state which would constitute
23 violations of the aforesaid sections of the penal law.

24 § 9. Subdivisions 1 and 2 of section 510-d of the vehicle and traffic
25 law, as amended by chapter 189 of the laws of 2018, are amended to read
26 as follows:

27 1. A class E driver's license shall be suspended by the commissioner
28 for a period of one year where the holder is convicted of a violation of

1 section [230.20, 230.25,] 230.30, 230.32, 230.34, 230.34-a or 230.40 of
2 the penal law and the holder used a for hire motor vehicle to commit
3 such crime.

4 2. A class E driver's license may be revoked by the commissioner when
5 the holder, who had his or her driver's license suspended under subdivi-
6 sion one of this section within the last ten years, is convicted of a
7 second violation of section [230.20, 230.25,] 230.30, 230.32, 230.34,
8 230.34-a or 230.40 of the penal law and the holder used a for hire motor
9 vehicle to commit such crime.

10 § 10. Subdivision (a) of section 7-703 of the administrative code of
11 the city of New York is amended to read as follows:

12 (a) Any building, erection or place, including one- or two-family
13 dwellings, used for the purpose of prostitution [as defined in section
14 230.00] activity in violation of article two hundred thirty of the penal
15 law. Two or more criminal convictions of persons for [acts of] prostitu-
16 tion activity in violation of article two hundred thirty of the penal
17 law in the building, erection or place, including one- or two-family
18 dwellings, within the one-year period preceding the commencement of an
19 action under this chapter, shall be presumptive evidence that the build-
20 ing, erection or place, including one- or two-family dwellings, is a
21 public nuisance. In any action under this subdivision, evidence of the
22 common fame and general reputation of the building, erection or place,
23 including one- or two-family dwellings, of the inmates or occupants
24 thereof, or of those resorting thereto, shall be competent evidence to
25 prove the existence of the public nuisance. If evidence of the general
26 reputation of the building, erection or place, including one- or two-fa-
27 mily dwellings, or of the inmates or occupants thereof, is sufficient to
28 establish the existence of the public nuisance, it shall be prima facie

1 evidence of knowledge thereof and acquiescence and participation therein
2 and responsibility for the nuisance, on the part of the owners, lessors,
3 lessees and all those in possession of or having charge of, as agent or
4 otherwise, or having any interest in any form in the property, real or
5 personal, used in conducting or maintaining the public nuisance. As used
6 in this subdivision, "prostitution activity" shall only mean conduct in
7 violation of article two hundred thirty of the penal law on or after the
8 effective date of a chapter of the laws of two thousand nineteen that
9 amended this subdivision;

10 § 11. Subdivision f of section 20-247 of the administrative code of
11 the city of New York is amended to read as follows:

12 f. It shall be unlawful for any licensee to guide or direct any person
13 to [a place of ill repute, house of ill fame or assignation, or to any
14 house or place of amusement kept for immoral purposes, or to] any place
15 resorted to for the purpose of prostitution activity in violation of
16 article two hundred thirty of the penal law or gambling. It shall be
17 unlawful for any such licensee to impart any information as to the
18 location or address of any such houses or places, or to solicit the
19 patronage of any person or persons for any hotel, lodging house or
20 boarding house or place of temporary or permanent abode, or for any
21 place where refreshments are served or amusement of any type provided.
22 As used in this subdivision, "prostitution activity" shall only mean
23 conduct in violation of article two hundred thirty of the penal law on
24 or after the effective date of a chapter of the laws of two thousand
25 nineteen that amended this subdivision.

26 § 12. This act shall take effect on the thirtieth day after it shall
27 have become a law.

1 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
2 sion, section or part of this act shall be adjudged by a court of compo-
3 nent jurisdiction to be invalid, such judgment shall not affect, impair
4 or invalidate the remainder thereof, but shall be confined in its opera-
5 tion to the clause, sentence, paragraph, subdivision, section or part
6 thereof directly involved in the controversy in which such judgment
7 shall have been rendered. It is hereby declared to be the intent of the
8 legislature that this act would have been enacted even if such invalid
9 provisions had not been included herein.

10 § 3. This act shall take effect immediately.